



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

81c

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/267,464 03/12/99 MOTHWURF E 88731-0

QM32/0825

J GEORG SEKA
TOWNSEND AND TOWNSEND AND CREW LLP
8TH FLOOR
TWO EMBARCADERO CENTER
SAN FRANCISCO CA 94111-3834

EXAMINER

LAYNO, B

ART UNIT

PAPER NUMBER

3711

DATE MAILED:

08/25/00

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/267,464

Applicant(s)

Ewald Mothwurf

Examiner

Benjamin H. Layno

Group Art Unit

3711



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire ~~2 months~~ thirty days, or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-46 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☐ Claim(s) _____ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☒ Claims 1-46 are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3711

DETAILED ACTION

Election/Restriction

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1 and 2, drawn to Method Of Estimating The Total Amount Bet By An Individual Patron, classified in class 463, subclass 25.
 - II. Claims 20-32, drawn to Method Of Estimating The Performance Of A Croupier At A Roulette Table, classified in class 463, subclass 1.
 - III. Claims 33 and 34, drawn to Method Of Determining Whether A Croupier Is Practicing Sector Spinning, classified in class 273, subclass 274.
 - IV. Claims 35-36, drawn to Roulette Gaming System, classified in class 463, subclass 17.
2. The inventions are distinct, each from the other because of the following reasons:

Inventions I, II, III and IV are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the method of estimating the total amount bet by an individual patron, and the method of estimating the performance of a croupier at a roulette table may be determined by incorporating microchips or transmitters in each of the chips, and to incorporate antennas under each of the betting areas of a

Art Unit: 3711

roulette table, under each player station, under the chip rack and under chipper machine in order to accurately locate each chip as each chip is moved.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

4. A telephone call was made to Georg Seka on 8/24/00 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin H. Layno whose telephone number is (703) 308-1815.

For **official** fax communications to be officially entered in the application the fax number is (703) 305-3579.

For **informal** fax communications the fax number is (703) 308-7768.

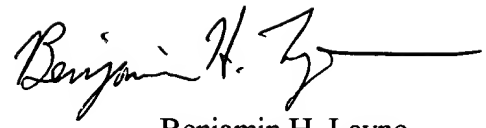
Any inquiry of a general nature or relating to the **status of this application** or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

Any inquiry concerning the **drawings** should be directed to the Drafting Division whose telephone number is (703) 305-8335.

Art Unit: 3711

bhl

August 24, 2000

A handwritten signature in black ink, reading "Benjamin H. Layno", followed by a horizontal line.

Benjamin H. Layno

Primary Examiner

Art Unit 3711